United Nations A/HRC/RES/38/9

General Assembly

Distr.: General
20 July 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 5 July 2018

38/9. The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 35/2 of 22 June 2017, and the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

Welcoming the progress made in achieving the Education for All goals and the related Sustainable Development Goals, including Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, while recognizing the need to accelerate efforts to complete the unfinished agenda of the Millennium Development Goals,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including internally displaced persons and refugees,

Reiterating the commitments to strengthen the means of implementation, including Goal 17 of the Sustainable Development Goals and the commitments under each Goal, and the actions outlined in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development for ensuring the full realization of the Sustainable Development Goals,

Reiterating also the importance of early childhood development as a valuable foundation of the entire basic education system,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, the fact that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on and the military use of educational institutions, natural disasters and pandemics continue to disrupt education and development globally, as noted in the Incheon Declaration,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults owing to, inter alia, discrimination based on race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status, early marriage or pregnancy, the lack of appropriate sanitary facilities, gender stereotypes, patriarchal social norms, and on economic grounds when education is not free,

Reiterating the contribution that access to new information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, the development by experts of guiding principles and tools for States, and ensuring justiciability of this right, and aware of the role that communications procedures can play in promoting the justiciability of the right to education,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures such as:

(a) Reviewing national education governance systems, which include the laws, policies, institutions, administrative procedures and practices, monitoring and accountability mechanisms, and judicial procedures relating to the right to education, in accordance with their obligations under international human rights law and remaining consistent with the commitments undertaken by all States in the Sustainable Development Goals;

(b) Applying the principles of transparency, accountability and non-discrimination in national and local education governance and management structures, inter alia, by ensuring that governance structures and practices are accessible to the public and are verifiable;

(c) Promoting inclusive participation in education governance mechanisms and procedures, inter alia, by facilitating the inclusion in and engagement of teachers, parents and local authorities, students and other stakeholders in the education governance system;

(d) Promoting human rights training for all actors and stakeholders in education governance systems, addressing national education and training programmes, and ensuring that the components and processes of education governance and management, including

curricula, methods and training, are undeniably conducive to strengthening learning about human rights;

(c) Developing national monitoring and evaluation systems to inform education policies and to assess whether education systems are meeting national objectives, human rights obligations and the Sustainable Development Goals, inter alia, by collecting detailed and disaggregated data in order to evaluate whether the target populations, including girls and women, and members of groups in vulnerable situations, are adequately included, and how they are performing;

3. *Also urges* all States to expand educational opportunities for all without discrimination, including by implementing special programmes to address inequalities, including barriers to accessibility and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all and the Education 2030 Framework for Action; to ensure that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, and to support research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Urges* States to put in place a regulatory framework to ensure the regulation of all education providers, including those operating independently or in partnership with States, guided by international human rights law and principles, that establishes, at the appropriate level, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms, including in-service training, apprenticeship and internships, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Welcomes*:

(a) The work of the Special Rapporteur on the right to education, and takes note of her latest report, on governance and the right to education;[1]

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, as well as the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, and other relevant bodies towards attaining the goals of the Education for All agenda and the education-related Sustainable Development Goals;

8. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

[1] A/HRC/38/32.

9. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical steps, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

10. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure accessible, inclusive, equitable and non-discriminatory quality education and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and all vulnerable and marginalized groups, including those affected by humanitarian emergencies and conflict situations;

11. *Also calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, including by taking measures to deter the military use of schools, and encourages efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

12. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

13. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

14. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including sexual harassment, school-related sexual and gender-based violence, and bullying of children, in schools and other educational settings, and to realize gender equality and the right to education for all;

15. *Encourages* States to consider justiciability when determining the best way to give domestic legal effect to the right to education;

16. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

17. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

18. *Commends* the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

19. *Decides* to remain seized of the matter.

37th meeting
5 July 2018

[Adopted without a vote.]